

IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF PUERTO RICO

IN RE

LIZETTE ALEJANDRO PEÑA

SSN: xxx-xx-8838

Debtor

BANKRUPTCY 21-00066 ESL

CHAPTER 7

WITHDRAWING COUNSEL MOTION FOR LEAVE TO AMEND RULE 2016
STATEMENT & REQUEST EXTENSION OF TIME TO FURTHER ADDRESS doc #28

TO THE HONORABLE COURT:

COMES NOW withdrawing counsel who respectfully moves this Honorable Court for leave to amend her Rule 2016 Statement and for allowance of 21 days to further address docket #28, as follows:

1. At docket #28 the standing chapter 7 trustee, Ms. Noreen Wiscovitch has moved the Court for the disgorgement of the undersigned's attorney fees & to "retain jurisdiction" [?] dated March 15, 2021.
2. Withdrawing counsel requests additional time to address the unreasonable and unsupported conclusions raised by the trustee, but today we nevertheless, seek leave to file an amended Rule 2016 Statement prior to addressing the allegations by this trustee.
3. This attorney was paid her fee in full prior to filing of the bankruptcy case.
4. The Rule 2016 filed with the voluntary petition was filed in error. The undersigned did not realize the inadvertent error until Ms. Wiscovitch raised her issues.
5. The Rule 2016 form used in this case was filed inadvertently and the information contained therein was also in error. The form erroneously used and filed with the case is the form the software automatically provides, unless the alternate form is substituted and applied in the processing and preparation of the case, substitution which was inadvertently not made in this case.
6. In this case, the debtor retained us at a \$2,000 deposit and at \$275 per hour and she paid us this amount prior to the filing of her case. The \$50 required by Local Rule as a deposit to qualify for the right to pay the filing fee in installments was reduced from the \$2,000 received by the undersigned.

7. As Ms. Wiscovitch correctly informs, in the Statement of Financial Affairs, the amount received was correctly included, at \$1,950 [\$2,000 less the \$50 paid to the Court for payment of the filing fee in installments].
8. Additionally, in Schedule A/B the fact of prior payment of fees is also referenced in relation to the balance in the debtor's bank account on the filing date of January 17, 2021 was disclosed as the net balance after checks in transit.¹ One of these checks in transit was #131 which was paid to counsel on January 14, 2021 in the amount of \$1,000, in addition to two ATHMovil transfers of \$500 each on January 11 and 15, 2021, for a total paid in attorney fees of \$2,000. Evidence of such payment and transactions as reflected in counsel's business account with BPPR is attached as **Exhibit #1**.
9. The undersigned hesitates to provide a Sworn Statement from the debtor since she is now represented by substitute counsel.
10. Leave is sought to amend the Rule 2015 with the evidence of the full \$2,000 paid prior to the filing of the voluntary chapter 7 case.

WHEREFORE withdrawing counsel respectfully prays for leave to file the amended Rule 2015 Statement on this same date and respectfully requests allowance of 21 days to further address the motion at doc #28 filed by the trustee, or on or before **April 19, 2021**.

NOTICE

Within twenty-one (21) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

¹ Item #19 of Schedule A/B reads as follows in relation to BPPR account Checking Acct #2671: "BPPR Direct deposit Salary. Checks in transit #128 & #129 & other transactions in transit at petition date have been reduced to reach true balance as of petition date."

I HEREBY CERTIFY, that on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF Filing System which will send a notification, upon information and belief, of such filing to the Chapter 7 Trustee and to all subscribed users.

RESPECTFULLY SUBMITTED,

In Caguas, Puerto Rico, this 29th day of March, 2021.

/s/ *L.A. Morales*

LYSSETTE A. MORALES VIDAL

USDC PR #120011

L. A. MORALES & ASSOCIATES P.S.C.


URB VILLA BLANCA


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DATE	DESCRIPTION		CATEGORY	AMOUNT
Jan 22 2021	WEB AEE WEB PAGE WEB PMTS	<input type="radio"/>	Office Supplies	-\$255.49
Jan 21 2021	TO GO STORES CAGUAS 19 on Jan 20 2021	<input type="radio"/>	Carro Gasto Oficin:	-\$15.00
Jan 20 2021	ATT Payment	<input type="radio"/>	Utilities Office	-\$196.23
Jan 19 2021	ATH MOVIL 6406 on Jan 15 2021	<input type="radio"/>	Honorarios	\$500.00
Jan 19 2021	COURTS/USBC-PR-I on Jan 15 2021	<input type="radio"/>	Gastos Oficina	-\$50.00
Jan 19 2021	COLECTURIA DIGITAL on Jan 15 2021	<input type="radio"/>	Gastos Oficina	-\$10.00
Jan 19 2021	COLECTURIA DIGITAL on Jan 15 2021	<input type="radio"/>	Gastos Oficina	-\$10.00
Jan 19 2021	IPHONE CITIZ*PMT 16 OF on Jan 15 2021	<input type="radio"/>	Gastos Oficina	-\$41.58
Jan 19 2021	COURTS/USBC-PR-I on Jan 17 2021	<input type="radio"/>	Gastos Oficina	-\$50.00
Jan 19 2021	TELEPAGO TRANSFERENCIA A CUENTA AHORROS	<input type="radio"/>	Payroll	-\$500.00
Jan 19 2021	TELEPAGO FIRST LEASING	<input type="radio"/>	Gastos Oficina	-\$413.00
Jan 15 2021	 DEPOSITO CHEQUE MOVIL	<input type="radio"/>	Honorarios	\$1,000.00
Jan 15 2021	ATH MOVIL 3105 on Jan 14 2021	<input type="radio"/>	Gastos pagado x C	-\$25.00
Jan 15 2021	PUERTORICOE.COM on Jan 14 2021	<input type="radio"/>	Gastos Oficina	-\$11.15
Jan 14 2021	ATH MOVIL 6986	<input type="radio"/>	Gastos pagado x C	-\$60.00
Jan 12 2021	ATH MOVIL 6406 on Jan 11 2021	<input type="radio"/>	Honorarios	\$500.00
Jan 12 2021	Jose R Carrion Net ch12 #	<input type="radio"/>	Honorarios	\$2,343.83
Jan 12 2021	JOSE R CARRION C PR DEPOSIT	<input type="radio"/>	Honorarios	\$135.75
Jan 12 2021	AT&T U023 9517 on Jan 11 2021	<input type="radio"/>	Gastos Oficina	-\$39.03
Jan 12 2021	COMM SVC FEE DEC 20	<input type="radio"/>	Gastos Oficina	-\$10.00
Jan 11 2021	ATH MOVIL 9067 on Jan 8 2021	<input type="radio"/>	Honorarios	\$300.00
Jan 11 2021	ATH MOVIL 6406 on Jan 8 2021	<input type="radio"/>	Gastos Pagado x C	\$170.00
Jan 11 2021	ATH MOVIL 6406 on Jan 8 2021	<input type="radio"/>	Gastos Pagado x C	\$37.00
Jan 11 2021	COLECTURIA DIGITAL on Jan 8 2021	<input type="radio"/>	Gastos pagado x C	-\$10.00
Jan 11 2021	TO GO STORES CAGUAS 19 on Jan 10 2021	<input type="radio"/>	Carro Gasto Oficin:	-\$15.00
Jan 8 2021	ATH MOVIL 6459	<input type="radio"/>	Gastos Pagado x C	\$400.00
Jan 8 2021	BODYJAMNOWCOM on Jan 6 2021	<input type="radio"/>	Other	-\$107.23
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DATE	DESCRIPTION		CATEGORY	AMOUNT
Jan 8 2021	TO GO STORES CAGUAS 19 on Jan 7 2021	<input type="radio"/>	Carro Gasto Oficin	-\$15.00
Jan 6 2021	 DEPOSITO CHEQUE MOVIL	<input type="radio"/>	Gastos Oficina	\$16.20
Jan 6 2021	COURTS/USBC-PR-I on Jan 5 2021	<input type="radio"/>	Gastos Oficina	-\$96.00
Jan 6 2021	THE KINGDOM MINISTRIES on Jan 5 2021	<input type="radio"/>	Gastos Oficina	-\$30.00
Jan 5 2021	ATH MOVIL 6761 on Jan 4 2021	<input type="radio"/>	Honorarios	\$200.00
Jan 5 2021	LIBERTY CABLEVIS CABLE PAY	<input type="radio"/>	Gastos Oficina	-\$67.40
Jan 5 2021	UNIVERSAL FINANC DEBITOS	<input type="radio"/>	Gastos Oficina	-\$83.06
Jan 4 2021	ATH MOVIL 6761 on Jan 1 2021	<input type="radio"/>	Honorarios	\$500.00
Jan 4 2021	ATH MOVIL 6761 on Dec 31 2020	<input type="radio"/>	Honorarios	\$400.00
Jan 4 2021	ATH MOVIL 6761 on Jan 3 2021	<input type="radio"/>	Honorarios	\$400.00
Jan 4 2021	ATH MOVIL 0238	<input type="radio"/>	Gastos Pagado x C	\$37.00

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